

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

H & Q PROPERTIES, INC., a)
Nebraska)
corporation, MARK HOULTON and)
JOHN QUANDAHL,)

Plaintiffs,)

V.

DAVID E. DOLL, an individual,
DOUBLE D PROPERTIES, L.L.C., a
Nebraska limited liability company,
DDE, INC., a Nebraska corporation,
f/k/a Double D. Excavating, Inc.,
HNGC, INC., a Nebraska
corporation, f/k/a Double D Hook-N-
Go Containers, Inc., NEBRASKA
LOWBOY SERVICES, INC., a
Nebraska corporation, DOUBLE D
EXCAVATING, INC., an Iowa
corporation, LOAD RITE
EXCAVATING, L.L.C., a Nebraska
limited liability company, f/k/a Down
Dirty, L.L.C., DOLL
CONSTRUCTION, L.L.C., a
Nebraska limited liability company,
NEW ERA EXCAVATION
COMPANY, a Nebraska corporation,
and MALVERN TRUST &
SAVINGS BANK, an Iowa state-
chartered bank,

Defendants.)

Case No. 8:13-cv-00038-LSC-FG3

ORDER

This matter comes before the Court upon Plaintiffs' Motion for Leave to Serve Summons by Leaving/First Class Mail ([Filing No. 138](#)), as well as the Summonses returned unexecuted (Filing Nos. [122](#) and [137](#)) upon Defendant Load Rite Excavating, LLC. Plaintiffs show that service was attempted at the published principal and designated office and the registered address for Defendant Load Rite Excavating, LLC and that service cannot be made upon said Defendant with reasonable diligence by any other method provided for in rule or in statute.

Based on these facts and pursuant to [Fed. R. Civ. P. 4\(h\)](#) and [Neb. Rev. Stat. § 25-517.02](#), service may be made upon Defendant Load Rite Excavating, LLC by (1) leaving such process at said Defendant's principal and designated office and the address of said Defendant's registered agent, and by mailing a copy of same by first-class mail to said address; and (2) by publication.

Upon consideration of the matter,

IT IS ORDERED that Plaintiffs' Motion for Leave to Serve Summons by Leaving/First Class Mail ([Filing No. 138](#)) is granted. Plaintiffs shall serve Defendant Load Rite Excavating, LLC by leaving such process at said Defendant's principal and designated office and the address of said Defendant's registered agent, 8501 North 180th Street, Bennington, Nebraska 68007, and by mailing a copy of same by first-class mail to said address. Additionally, Plaintiffs shall serve said Defendant by publication in the manner and form provided by the statutes of the State of Nebraska.

DATED March 4, 2014.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**